

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

WILLIAM SCHUHLE,

Plaintiff,

v.

THE LAW OFFICE OF RICHARD
CLARK, LLC,

Defendant.

No. 03:11-CV-986-HZ

OPINION & ORDER

Sharon D. Cousineau
Cousineau Law Group
700 West Evergreen Boulevard
Vancouver, WA 98660

Attorney for Plaintiff

Daniel N. Gordon
Daniel N. Gordon PC

1 - OPINION & ORDER

4023 West First Ave.
Eugene, OR 97402

Attorney for Defendant

HERNANDEZ, District Judge:

Plaintiff William Schuhle moves for attorney's fees and costs. I deny the motion.

BACKGROUND

On August 15, 2011, Plaintiff Schuhle brought a complaint against Defendant, The Law Office of Richard Clark, for violation of the Fair Debt Collection Practices Act. Compl. ¶11. On September 16th, Defendant served an Offer of Judgment, which Plaintiff accepted on October 3rd. Dkt. #5. The Offer of Judgment included costs and reasonable attorney's fees to be agreed upon by the parties, or by the Court if agreement was not reached. Id. at 1. On October 25th, judgment entered and the case was closed. Dkt. #6.

STANDARDS

Unless a statute or court order dictates otherwise, a motion for attorney's fees and related expenses "must be filed no later than 14 days after the entry of judgment." Fed. R. Civ. P.54(d).

DISCUSSION

Entry of judgment occurred on October 25th. The deadline to file a claim for attorney's fees and related expenses was November 8th, which is 14 days after the entry of judgment. On December 23rd, Plaintiff filed his motion for attorney's fees and costs—45 days after the deadline had passed. There is no doubt that Plaintiff's motion is untimely. Therefore, I deny the motion.

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CONCLUSION

Plaintiff's motion for attorney's fees and costs [#7] is denied.

IT IS SO ORDERED.

Dated this 9th day of January, 2012.

/s/ Marco A. Hernandez

MARCO A. HERNANDEZ

United States District Judge